



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



### **CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – MARCH 21, 2007**

## **MID MONTH BOARD MEETING MINUTES<sup>1</sup>**

**MARCH 21, 2007**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

#### **1. ROLL CALL**

**Sean Harrigan, President**  
**Anne Sheehan, Vice President**  
**Patricia Clarey, Member**  
**Richard Costigan, Member**

#### **2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** Suzanne Ambrose, the new Executive Officer who will start on May 1, 2007, was introduced to the audience.
- B.** The Executive Officer and Daisy McKenzie, manager of the Examination Services Program, discussed the status of the new proposed Governmental Program Analyst (GPA) classification with the Board. The GPA classification will be targeted for college graduates who want to start a career in state government. The proposed classification specifications were also distributed. An informational hearing will be held at the April 3, 2007 meeting and the formal hearing will be held at the first full board meeting in May.

#### **3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

- The Chief Counsel discussed with the Board Members some aspects of the Receiver's 4<sup>th</sup> Bi-monthly Report.
- A memorandum was issued to personnel offices to require them to identify those employees who are peace officers whenever they file a notice of adverse action or rejection during probation. The new requirement will assist Board staff in complying with the Copley Press court decision requiring confidentiality of peace officer personnel records while allowing for compliance with the Public Records Act and Bagley-Keene Open Meeting laws in non-peace officer cases.
- Provided new Board member Richard Costigan, as required by law, and other board members with the provisions of the Bagley-Keene Open Meeting Act together with a copy of the "Handy Guide to the Bagley-Keene Open Meeting Act."

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<sup>1</sup> The Minutes for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

- The cost savings contracts regulations hearing is scheduled for the April full board meeting
- A Department of Corrections and Rehabilitations case will likely be coming to the Board requesting to use a 3-rank list when testing applicants for specified mental healthcare positions to allow them to abide by court orders in the Coleman v. Schwarzenegger case. The Board had already approved a similar waiver for medical care positions within the Department under the federal receivership in Plata v. Schwarzenegger.

**4. NEW BUSINESS**

- The May full board meeting originally scheduled for May 1-2, 2007, in Los Angeles has been changed to one day meeting to be held on May 8, 2007, in Sacramento.
- The September mid-month board meeting originally scheduled for September 18, 2007, in Sacramento has been changed to be held on September 21, 2007, in Sacramento.

**5. REPORT ON LEGISLATION**

**NONE PRESENTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Pages 8–14)

**8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 TEH

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**NO ACTION**

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF  
APRIL 3, 2007, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
FEBRUARY 20, 2007**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

**13. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 8–17**

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes on Pages 27–28)**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

**15. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 17–22**

**16. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR  
DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH,  
REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE  
CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS  
FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE  
CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO  
OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE  
PERSONNEL BOARD** propose to abolish the following unused  
classifications, which have been vacant for more than twenty-four months.  
Departments that utilize the class as well as the appropriate union have no  
objection to the abolishment of these classes. When classes are  
proposed to be abolished which are part of a class series, and other  
classes within the series will continue to be used, the class specification is  
included in the board item.

**NONE**

**17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**ASSISTANT DIRECTOR, HEALTH CARE REFORM EVALUATION (CEA I)**

The California Managed Risk Medical Insurance Board (MRMIB) proposes to reallocate an existing CEA II, Deputy Director, Benefits and Quality Monitoring Division, to the above position. The Assistant Director, Health Care Reform Evaluation, will be responsible for the development of statewide policies, goals, and long-range objectives for Health Care Reform.

**CHIEF, UTILIZATION MANAGEMENT DIVISION (UMD)**

The Department of Health Services proposes to allocate the above position to the CEA Category. The Chief, UMD is the principal policy maker and advisor to the Deputy Director and Assistant Deputy Director for MCS regarding issues related to methods used to manage and control costs for medical and pharmaceutical benefits for Medi-Cal beneficiaries, as they relate to utilization review.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, INTERNAL AUDITS**

The California Lottery's request to allocate the above position to the CEA Category has been disapproved effective February 16, 2007.

**CHIEF, THIRD-PARTY LIABILITY AND RECOVERY BRANCH**

The Department of Health Services' request to allocate the above position to the CEA Category has been approved effective February 23, 2007.

**ACTION: NOTED**

**19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**20. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE PRESENTED**

**21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE PRESENTED**

**22. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 23–26**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15**

**13. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On March 21, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

**(1) CASE NO. 06-1912**

Appeal from dismissal

**Classification:** Senior Youth Correctional Counselor

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission February 20, 2007.

**ACTION:** The Board adopted the ALJ's proposed decision revoking the dismissal.

**(2) CASE NO. 05-0053A**

Appeal from dismissal

**Classification:** Park Maintenance Assistant

**Department:** Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

**NO ACTION**



- (3) **CASE NO. 05-2211A**  
Appeal from dismissal  
**Classification:** Senior Tax Compliance Representative  
**Department:** Employment Development Department

Proposed decision rejected September 20, 2006.  
Oral argument heard March 2, 2007.  
Case ready for decision by FULL Board.

**NO ACTION**

- (4) **CASE NO. 06-1433**  
Appeal from official reprimand  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

**NO ACTION**

- (5) **CASE NO. 05-0947A**  
Appeal from dismissal  
**Classification:** Housing Finance Specialist (General)  
**Department:** California Housing Finance Agency

Proposed decision rejected July 11, 2006.  
Oral argument heard December 5, 2006.  
Case ready for decision by FULL Board.

**NO ACTION**

- (6) **CASE NO. 06-1310**  
Appeal from 14 working days suspension  
**Classification:** Regional Administrator  
**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission  
December 5, 2006.

**NO ACTION**

March 21, 2007

**(7) PSC NO. 06-02**

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

**Department:** Department of Corrections and Rehabilitation

**Employee Organization:** AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

On March 21, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

**(1) CASE NO. 05-3741**

Appeal from dismissal

**Classification:** Medical Technical Assistant, CF

**Department:** Department of Corrections and Rehabilitation  
Request for Order to Show Cause against Department of Corrections and Rehabilitation

**ACTION: SUBMITTED**

**COURT REMANDS**

**NONE**

**STIPULATIONS**

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ's proposed decisions submitted to the Board for the first time.

On March 21, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) CASE NO. 06-3641**  
Appeal from five percent reduction in salary for 12 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (2) CASE NO. 06-0288E**  
Appeal from whistleblower/retaliation complaint  
**Classification:** Chief Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying the complaint.
- (3) CASE NO. 05-3478**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the dismissal.
- (4) CASE NO. 05-1803**  
Appeal from dismissal  
**Classification:** Officer  
**Department:** Department of the California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

- (5) **CASE NO. 06-2166**  
**CASE NO. 06-2307**  
Appeals from five percent reduction in salary for 12 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the reductions in salary.
- (6) **CASE NO. 05-3316**  
Appeal from dismissal  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (7) **CASE NO. 05-4091**  
Appeal from medical termination  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision granting in part and denying in part the appeal.
- (8) **CASE NO. 06-2052**  
Appeal from five percent reduction in salary for 12 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision granting the appellant's motion to dismiss.
- (9) **CASE NO. 06-2914**  
Appeal from constructive medical termination  
**Classification:** Heavy Equipment Mechanic  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision granting the appeal.
- (10) **CASE NO. 06-0749**  
Appeal from rejection during probation  
**Classification:** Environmental Planner (Natural Sciences)  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.

- (11) **CASE NO. 06-3169**  
**CASE NO. 06-3227**  
**CASE NO. 06-3255**  
**CASE NO. 06-3280**  
**CASE NO. 06-3392**  
**CASE NO. 06-3410**  
Appeals from official reprimand  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the official reprimands.
- (12) **CASE NO. 06-2205**  
Appeal from 24 work days' suspension  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the suspension.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

- (13) **CASE NO. 02-3688RP**  
Appeal from constructive medical termination  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision reinstating appellant effective December 31, 1997.
- (14) **CASE NO. 05-0557R**  
Appeal from one year suspension and demotion  
**Classification:** Professor  
**Department:** California State University, Stanislaus  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension and demotion.

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On March 21, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

**(1) CASE NO. 05-2585P**

Appeal from 10 percent reduction in salary for 13 pay periods

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation.

**ACTION:** Petition for rehearing denied.

**(2) CASE NO. 06-0826P**

Appeal from two days' suspension

**Classification:** Patrol Officer

**Department:** California State University, San Bernardino

**ACTION:** Petition for rehearing denied.

**(3) CASE NO. 04-0750EP**

Appeal from discrimination and retaliation complaint

**Classification:** Office Assistant (Typing)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing denied.

**(4) CASE NO. 05-0733P**

Appeal from dismissal

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

**NO ACTION**

**(2) CASE NO. 06-0760A**

Appeal from rejection during probation

**Classification:** Parole Agent I (Adult Parole)

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to May 1-2, 2007, Los Angeles.

**NO ACTION**

**(3) CASE NO. 06-0235A**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Pending oral argument May 1-2, 2007, Los Angeles.

**NO ACTION**

**(4) CASE NO. 06-3023A**

Appeal from ten percent reduction in salary for three months

**Classification:** Psychiatric Technician

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Pending transcript.

**NO ACTION**

March 21, 2007

**(5) CASE NO. 05-2888PA**

Appeal from dismissal

**Classification:** Staff Services Analyst (General)

**Department:** Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Oral argument originally set March 2, 2007, Sacramento.

Oral argument continued.

**NO ACTION**

**(6) CASE NO. 05-1285A**

Appeal from dismissal

**Classification:** Public Safety Dispatcher II

**Department:** Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Transcript prepared.

**NO ACTION**

**(7) CASE NO. 05-0929PA**

Appeal from rejection during probation

**Classification:** Health Program Manager I

**Department:** Department of Health Services

Petition for Rehearing granted February 20, 2007.

**NO ACTION**

**(8) CASE NO. 06-0188A**

Appeal from dismissal

**Classification:** Physician and Surgeon, CF

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected February 20, 2007.

Pending oral argument April 3-4, 2007, Sacramento.

**NO ACTION**

**(9) CASE NO. 05-1067A**

Appeal from dismissal

**Classification:** Investigator

**Department:** Department of Motor Vehicles

Proposed decision rejected January 9, 2007.

Pending oral argument May 1-2, 2007, Los Angeles.

**NO ACTION**



March 21, 2007

**(10) CASE NO. 04-2919ERPA**

Appeal of discrimination and retaliation

**Classification:** Physician and Surgeon

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to May 1-2, 2007, Los Angeles.

**NO ACTION**

**(11) CASE NO. 05-0927BA**

Appeal for back salary determination

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

**NO ACTION**

**(12) CASE NO. 05-4416PA**

Appeal from 10 percent reduction in salary for 13 pay periods

**Classification:** Medical Technical Assistant (Correctional Facility)

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted November 14, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

**NO ACTION**

**15. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**

**CASES HEARD BY A STAFF HEARING OFFICER**

• **CASE NO. 05-3372**

**Classification:** Corrections Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION: DISMISSED**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On March 21, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) CASE NO. 05-3675**  
**Classification:** Hospital Police Officer  
**Department:** California Department of Mental Health  
**Issue:** Suitability; questionable sexual acts, drug usage, and traffic violations.  
**ACTION: WITHDRAWN BY STAFF**
- (2) CASE NO. 05-2896**  
**Classification:** Motor Vehicle Field Representative  
**Department:** California Department of Motor Vehicles  
**Issue:** Suitability; misdemeanor conviction and current probationary status.  
**ACTION: DENIED**
- (3) CASE NO. 05-3679**  
**Classification:** California Highway Patrol  
**Department:** CHP Cadet  
**Issue:** Suitability, omitted pertinent information.  
**ACTION: DENIED**
- (4) CASE NO. 05-1545**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; failed to disclose pertinent information.  
**ACTION: GRANTED**
- (5) CASE NO. 05-1399**  
**Classification:** California Highway Patrol  
**Department:** CHP Cadet  
**Issue:** Suitability, omitted pertinent information and negative employment record.  
**ACTION: DENIED**

- (6) **CASE NO. 05-1849**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information, had a negative employment record, negative law enforcement contacts, arrest/conviction record and failure to comply with legal obligations.  
**ACTION: DENIED**
- (7) **CASE NO. 05-4096**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information.  
**ACTION: GRANTED**
- (8) **CASE NO. 05-4154**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.  
**ACTION: DENIED**
- (9) **CASE NO. 05-2626**  
**Classification:** Motor Vehicle Field Representative  
**Department:** California Department of Motor Vehicles  
**Issue:** Suitability; a prior conviction for Welfare Fraud.  
**ACTION: DENIED**
- (10) **CASE NO. 05-3652**  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; fraud.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On March 21, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 05-3852**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** The appellant does not meet the minimum psychological qualification standards for State peace officer employment under G.C. 1031 (f) linked to a pattern of poor judgment, impulsive behavior and problems taking responsibility for the negative aspects of his social history and alcohol consumption.  
**ACTION: DENIED**
- (2) **CASE NO. 05-4395**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** The appellant was medically disqualified because he did not meet the standards needed to perform the duties of the job.  
**ACTION: DENIED**
- (3) **CASE NO. 05-3620**  
**Classification:** Highway Patrol Cadet  
**Department:** California Highway Patrol  
**Issue:** The appellant shows signs of excessive alcohol consumption, personality traits that would significantly interfere with the performance standards for State peace officer employment under G.C. 1031.  
**ACTION: DENIED**
- (4) **CASE NO. 05-3524**  
**Classification:** Correctional Officer  
**Department:** California Department of Correction & Rehabilitation  
**Issue:** The appellant does not meet the general requirements deemed essential for a Correctional Officer, CDCR, due to a history of poor judgment and problems with anger management.  
**ACTION: DENIED**
- (5) **CASE NO. 05-3694**  
**Classification:** Fire Captain  
**Department:** California Department of Correction and Rehabilitation  
**Issue:** The appellant shows signs of poor judgment and alcohol abuse, characteristics that would significantly interfere with the performance standards for State peace officer employment under G.C. 1031.  
**ACTION: DENIED**

- **CASE NO. 06-2606**  
**Classification:** Corrections Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**
- **CASE NO. 06-4505N**  
**Classification:** Investigator I, ABC  
**Department:** Alcoholic Beverage Control  
**ACTION: DISMISSED**
- **CASE NO. 06-3077**  
**Classification:** Corrections Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

On March 21, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 05-1173**  
**Classification:** Personnel Supervisor II  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Whether appellant was properly withheld for not meeting the minimum qualifications.  
**ACTION: DENIED**

**D.    RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases were heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

- **CASE NO. 05-4169**  
      **Classification:** Caltrans Highway Maintenance Worker  
      **Department:** State Personnel Board  
      **ACTION: DISMISSED**

**E.    REQUEST TO FILE CHARGES CASES**

**NONE**

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. PSC NO. 06-03**

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. Department of the California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

**ACTION:** Board took action on the January 9, 2007 Board Meeting.

March 21, 2007

**7. CASE NO. 05-0947A**

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

**NO ACTION**

**8. CASE NO. 06-1814**

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**NO ACTION**

**9. CASE NO. 06-1310**

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**NO ACTION**

**10. CASE NO. 05-1975**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**11. CASE NO. 05-1466**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**ACTION:** Board took action on the February 20, 2007 Board Meeting.

**12. CASE NO. 05-1977**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**13. CASE NO. 05-1029**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**14. CASE NO. 05-2290**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**



**15. CASE NO. 05-1169**

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

**NO ACTION**

**16. CASE NO. 05-1681**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**17. CASE NO. 05-1170**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**NO ACTION**

**18. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS  
REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)**

(Hearing held January 9, 2007.)

**NO ACTION**

**19. PSC #06-02**

Appeal of AFSCME from Executive Officer Decision Approving Department of Corrections and Rehabilitation. Personal Services Contracts for Psychological Services. (Oral argument held January 9, 2007.)

**NO ACTION**

**20. CASE NO. 05-0053A**

Appeal from dismissal. Park Maintenance Assistant. Department of Parks and Recreation. (Oral argument held February 5-6, 2007.)

**NO ACTION**

**21. CASE NO. 06-1912**

Appeal from dismissal. Senior Correctional Counselor. Department of Corrections and Rehabilitation. (Presented to the Board February 20, 2007.)

**ACTION:** The Board adopted the ALJ's proposed decision revoking the dismissal.

**22. CASE NO. 05-2211A**

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

**NO ACTION**

**23. PSC #06-05**

Appeal of the California Highway Patrol from the Executive Officer's September 28, 2006 Disapproval of a Contract for Custodial Services between the California Highway Patrol and Moran Janitorial Services. (Oral argument held March 2, 2007.)

**NO ACTION**

**24. CASE NO. 05-3741**

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

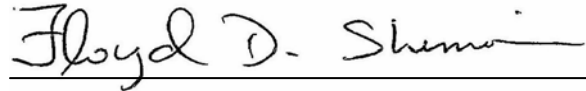
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on March 21, 2007.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board